

OCT 14 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In the Matter of: ROGER N. FEARING;  
CHRISTINE E. FEARING,

Debtors,

ROGER N. FEARING; CHRISTINE E.  
FEARING,

Appellants,

v.

DAVID SEROR, Chapter 7 Trustee,

Appellee.

No. 08-56962

D.C. No. 2:07-cv-05276-VAP

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
Virginia A. Phillips, District Judge, Presiding

Submitted August 20, 2009<sup>\*\*</sup>

Before: HUG, SKOPIL and BEEZER, Circuit Judges.

<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Bankruptcy debtors Roger and Christine Fearing (“the Fearings”) appeal *pro se* from the district court’s affirmance of the bankruptcy court’s summary judgment in trustee David Seror’s action seeking a declaration that the Fearings were not entitled to proceeds from a settlement the trustee negotiated with California State University at Northridge. We review *do novo* the district court’s grant of summary judgment. *Lovell v. Chandler*, 303 F.3d 1039, 1052 (9th Cir. 2002). We have jurisdiction under 28 U.S.C. § 158(d). We affirm.

The facts of this case are known to the parties and we do not repeat them here.

The bankruptcy court correctly determined that the Fearings are not entitled to any proceeds derived from the trustee’s settlement with the university. There is no basis for the Fearings’ contention that these proceeds should not be used to pay for bankruptcy administrative expenses.

**AFFIRMED.**